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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,041	07/31/2003	Michael Czysz	MCZ003	5280

34496 7590 05/13/2005

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,041

Applicant(s)

CZYSZ, MICHAEL

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9, 11, 12, 15-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 3, 9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. An Amendment was filed 3/16/05 in which Claims 2 and 14 were also cancelled. The Claims presented for examination are 3-9, 11, 12, 15-24 and 26-28.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoose 6017047 in view of Sinyard et al 6669218.

Hoose discloses a suspension for a two-wheeled vehicle/motorcycle comprising Upper fork tube 71/72, and lower fork tubes 1, 2, the latter disposed within the the former,

Fork bottoms 41/42 coupling the fork tubes to the axle, and

having a different stiffness (via lower shock absorbers 41/42) in a longitudinal direction of travel of the vehicle than in a lateral direction parallel to the axle, via vertical plates 41c/42c which add more strength and stiffness in the longitudinal direction than that in the lateral direction, *as broadly interpreted*.

The reference does not disclose the fork bottom as being semi-cylindrical, while Sinyard depicts this configuration in fig 3 with fork bottom 52. While Hoose's fork bottom is functionally equivalent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate arrangement, as shown in Sinyard, to decrease material, thus decrease weight and cost.

3. ALLOWABLE SUBJECT MATTER

- a. **Claims 4-8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- b. **Claims 15-24 and 26-28** are allowable.

Prior art does not disclose a suspension for a two-wheeled vehicle as provided above, further including, *inter alia*, a tension cable extending through the fork tube, the tube including a fulcrum over which the cable is stretched.

4. RESPONSE TO REMARKS

Examiner provides rejections for Claims 3, 11 and 12, using Hoose in view of Sinyard, and apologizes for the inconvenience.

It is (again) noted that Claim 3 does not provide any structure/means to achieve "the lower fork tube having a different stiffness in a longitudinal direction than that in a lateral direction", and thereby distinguish this limitation from the reference. The emphasized language remains conclusionary, with no substantiating structure. (*In contrast*, similar Claim 15 contains sufficient structure in the last paragraph.) Therefore, it is reasonable to maintain that Hoose, disclosing the actual recited elements, obviates these claims. Sinyard is combined to obviate the limitation "semi-cylindrical".

Applicant is asked to note allowable subject matter.

5. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If she cannot be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272-6651. Our central fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. For unpublished applications - private PAIR only. For published applications - private or public PAIR. For more information re PAIR - <http://pair-direct.uspto.gov>. Questions re private PAIR - contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum, Examiner
5/16/05

